

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hadlaczký et al.
Serial No.: 09/724,872
Filed: November 28, 2000
For: ARTIFICIAL CHROMOSOMES, USES
THEREOF AND METHODS FOR
PREPARING ARTIFICIAL
CHROMOSOMES
Art Unit: 1632
Examiner: Shukla, R.



CERTIFICATE OF MAILING BY "EXPRESS MAIL"

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Date of Deposit: May 16, 2002

I hereby certify that this paper and the attached papers are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 C.F.R. §1.10 on the date indicated above and addressed to:

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05/16/02
Date

Kelly Fischer

TRANSMITTAL LETTER

Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

Sir:

Transmitted herewith is an Election responsive to the Office Action setting forth restriction requirement, mailed April 16, 2002. If a Petition for extension of time is required, this paper is to be considered such Petition.

- ☒ The Commissioner is hereby authorized to charge any fee, including that submitted herewith if the attached check(s) is in the wrong amount or otherwise improper or missing, that may be due in connection with this and the attached papers, or with this application during its entire pendency to or to credit any overpayment to Deposit Account No. 08-1641. A duplicate of this sheet is enclosed.

Respectfully submitted,
HELLER EHRMAN WHITE & McAULIFFE

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THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: HADLACZKY *et al.*

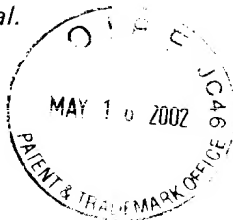
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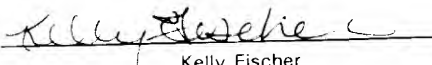
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ELECTION

Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

Dear Sir:

Responsive to the Restriction Requirement, mailed April 16, 2002, Applicant elects, Group II, claims 1, 4, 6, 7, 9-27 and 29-33 directed to methods for producing plant cells containing a SATAC, with traverse, for examination on the merits.

REMARKS

Any fees that may be due in connection with this application may be charged to Deposit Account No. 50-1213. If a Petition for extension of time is needed, this paper is to be considered such Petition.

Claims 1-33 are pending in this application. In view of the traversal of the Restriction Requirement, all claims are traversed. In addition to the traversal below, it is respectfully submitted that, even if the Restriction Requirement is maintained, claims 5, 8 and 28 belong in both groups. In particular, claim 8 is dependent upon claim 6 and clearly belongs in group II.

Traversal of the Restriction Requirement

In order for restriction to be proper, the restricted subject matter must be independent or distinct **AND** there must be a burden on the Office to examine the claims in the claims in the same application. It is respectfully submitted